



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 30 2007

REPLY TO THE ATTENTION OF:

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL

C T Corporation System
Attn: A. Eberhart
17 S. High St.
Columbus, Ohio 43215
Agent for Republic Services of Ohio II, LLC

Re: Off-Site Rule Unacceptability Notice
Republic Services of Ohio II, LLC
dba Countywide Recycling and Disposal Facility
Ohio EPA ID no. 76-00-10

Dear Mr. or Ms. Eberhart:

This letter is to notify you that the United States Environmental Protection Agency (U.S. EPA) has determined that conditions exist at Republic Services of Ohio II, LLC dba Countywide Recycling and Disposal Facility (Ohio EPA ID number 76-00-10) (Countywide RDF), that may render this facility unacceptable for the receipt of off-site wastes generated as a result of any response activity under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

This determination of unacceptability becomes effective 60 calendar days from the date of this notice unless such conditions are eliminated. Your facility remains acceptable to receive CERCLA waste during the 60-day period. If, however, this unacceptability determination becomes effective, the facility will remain unacceptable until such time as the U.S. EPA notifies the owner or operator otherwise. The implementation of this notice does not prohibit U.S. EPA or delegated State programs from taking appropriate enforcement actions under the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Clean Air Act, CERCLA, state regulations or other laws.

On September 22, 1993, the Procedures for Planning and Implementing Off-Site Response Actions (Off-Site Rule) was published in the Federal Register (58 Fed. Reg. 49200). The purpose of the Off-Site Rule is to ensure that wastes from CERCLA sites are sent to environmentally sound facilities and do not contribute to future environmental problems. The

Off-Site Rule was codified in the National Oil and Hazardous Substances Pollution Contingency Plan at 40 C.F.R. § 300.440, and supersedes the previously published Off-Site Policy and guidance. See also, CERCLA Section 121(d)(3), 42 U.S.C. § 9621(d)(3). A copy of the Off-Site Rule is enclosed for your review.

This determination is based on violations documented in the March 28, 2007, Director's Final Findings and Orders agreed to by Countywide RDF. These violations are detailed below.

There is an ongoing series of chemical reactions involving aluminum waste and co-disposed municipal solid waste which is producing elevated temperatures and toxic gases including concentrations of carbon monoxide in excess of 1,000 ppmv which constitutes a "fire" under the definitions of the Ohio Administrative Code (OAC). Countywide RDF is in violation of OAC Rule 3745-27-19(E)(3)(a) for failing to extinguish the "fire."

The facility is producing odors through the release of gases from the facility. These odors constitute a nuisance and are possibly injurious to human health. Therefore Countywide RDF is in violation of OAC Rule 3745-27-19(B)(3) and (5) and OAC Rule 3745-15-07.

Countywide RDF is in violation of its Title V air operating permit for having ten or more gas collection wells operating at temperatures of more than 55°C for more than 120 days.

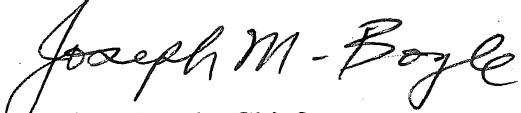
The Off-Site Rule provides the facility owner or operator an opportunity to request an informal conference with the U.S. EPA Region 5 staff and legal counsel to discuss the basis for a facility's potential unacceptability determination. The informal conference request must be made within 10 calendar days from the date of this letter. In addition to, or instead of requesting such a conference, you may submit written comments within 30 calendar days from the date of this letter.

If an informal conference is held or written comments are submitted, U.S. EPA will inform the facility owner or operator whether or not the information is sufficient to show that the facility is operating in compliance. Unless U.S. EPA determines that the information provided is sufficient, the facility will become unacceptable 60 calendar days after the date of this letter. On the date this determination becomes effective, the responsible entities shall cease the transport of CERCLA waste to your facility in accordance with the Off-Site Rule.

If your facility is determined to be unacceptable after the informal conference and/or the submission of written comments, you may request that the Regional Administrator reconsider this unacceptability determination. Such a request must be made in writing within 10 calendar days after hearing from the U.S. EPA Regional office, following the informal conference or submittal of written comments. Such a review does not automatically stay the determination beyond the 60-day period.

This letter is being sent to you by both certified and first class mail, return receipt requested, in order to ensure that you receive it promptly. If you wish to request an informal conference, or submit written comments, or if you have any questions regarding this letter, you may write to William Damico, U.S. EPA Region 5, 77 West Jackson Blvd., DE-9J, Chicago, Illinois 60604, or call him at 312-353-8207.

Sincerely yours,

A handwritten signature in black ink that reads "Joseph M. Boyle". The signature is written in a cursive style with a large, stylized "J" and "B".

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste Pesticides and Toxics Division

Enclosure

cc: Joshua Adams,
Ohio Environmental Protection Agency Northeast District Office

Tim Vandersall, Gen Mgr.
Countywide RDF